

Message Text

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43

ACTION EB-07

INFO OCT-01 AF-06 EUR-12 NEA-09 ISO-00 CAB-02 CIAE-00

COME-00 DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 L-02

SS-15 NSC-05 /066 W

----- 116079

R 190800Z MAR 75

FM AMEMBASSY MONROVIA

TO SECSTATE WASHDC 4980

INFO AMEMBASSY ABIDJAN

AMEMBASSY ACCRA

AMEMBASSY BAMAKO

AMEMBASSY BRUSSELS

AMEMBASSY DAKAR

AMEMBASSY LAGOS

AMCONSUL CASABLANCA

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E.O. 11652: N/A

TAGS: EAIR, BGEN, PFOR, US, LI

SUBJECT: CIVAIR: AIR LIBERIA TICKETING REQUIREMENT AND BILATERAL
CONSULTATIONS

REF: (A) STATE 059803; (B) MONROVIA 1295

1. EMBASSY APPRECIATES DEPARTMENT'S LEGAL RESEARCH THIS MATTER,
AND ACCEPTS VIEW THAT PERSUASIVE LEGAL CASE CANNOT BE MADE AGAINST
DISCRIMINATORY REQUIREMENT THAT ALL FOREIGN CONCESSIONS MUST USE
AIR LIBERIA TICKETING AND (WHERE AVAILABLE) TRANSPORT FACILITIES
FOR ALL TRAVEL. EMBASSY ALSO AGREES THAT PRESENT RPT PRESENT
PECUNIARY IMPACT UPON PAN AM MARGINAL. HOWEVER, WE MOST CONCERNED
OVER GROWING TENDENCY FOR GOL TO APPLY PRESSURE TO OR EVEN HARASS
FOREIGN CONCESSIONS AND COMPANIES. ALSO, AS INDICATED REF B, EMBASSY
INVESTIGATION THIS MATTER MADE KEY LIBERIAN OFFICIALS AWARE OUR
CONCERN, AND THEY NOW WAITING FOR OTHER SHOE TO DROP.

WEAKNESS AT THIS POINT COULD MAKE FUTURE BILATERAL CIVAIR

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CONSULTATIONS MORE TROUBLESOME. FINALLY, IF PRECEDENT

SUCCESSFULLY ESTABLISHED FOR ENFORCED DISCRIMINATORY TREATMENT OF FOREIGN FIRMS, WE HAVE MANY OTHER INTERESTS WHICH MAY IN FUTURE BE JEOPARDIZED. U.S. OWNED FIRMS ARE ESTABLISHED LEADERS IN LIBERIA IN CONSTRUCTION INDUSTRY, BANKING, INSURANCE, MARKETING AND OTHER FIELDS. THEY COULD SUFFER IF SUCH PRACTICES ALLOWED TO SPREAD. THEREFORE, WE FEEL THAT WE SHOULD MAKE STRONGER REPRESENTATIONS TO GOL ON THIS ISSUE AS MATTER OF PRINCIPLE IF NOT OF LAW.

2. EMBASSY SUGGESTS FOLLOWING TEXT AS MORE APPROPRIATE FOR NOTE TO FOREIGN MINISTRY ON THIS MATTER:

QTE: THE EMBASSY OF THE UNITED STATES OF AMERICA PRESENTS ITS COMPLIMENTS TO THE MINISTRY OF FOREIGN AFFAIRS OF THE REPUBLIC OF LIBERIA AND HAS THE HONOR TO REFER TO THE DIRECTIVE RECENTLY ISSUED BY THE MINISTER OF COMMERCE, INDUSTRY AND TRANSPORTATION TO CONCESSIONNAIRES OPERATING WITHIN LIBERIA REQUIRING THAT THEY UTILIZE THE SERVICES OF AIR LIBERIA FOR ALL OF THEIR INTERNATIONAL TRAVEL ARRANGEMENTS. TO THE EXTENT THAT THIS ACTION AFFECTS UNITED STATES CITIZENS AND BUSINESSES OWNED BY UNITED STATES CITIZENS, THE EMBASSY IS CONCERNED THAT THE REQUIREMENT IS INCONSISTENT WITH THE INTENT OF THE TREATY OF FRIENDSHIP, COMMERCE AND NAVIGATION EXISTING BETWEEN THE REPUBLIC OF LIBERIA AND THE UNITED STATES OF AMERICA. THIS TREATY HAS ENCOURAGED A TRADITION OF FAIR AND EQUAL OPPORTUNITY ACCORDED BY THE AUTHORITIES OF LIBERIA TO THE CITIZENS OF THE UNITED STATES ENGAGED IN CONDUCTING BUSINESS IN LIBERIA AND TO RECIPROCAL FAIR AND EQUAL TREATMENT OF LIBERIANS IN THE UNITED STATES. THE EMBASSY NOTES THAT CITIZENS OF LIBERIA IN THE UNITED STATES ARE NOT SUBJECT TO ANY RESTRICTIONS WITH REGARD TO INTERNATIONAL TRAVEL ARRANGEMENTS. IN ADDITION, THE DIRECTIVE COULD ALSO BE INTERPRETED AS A DISCRIMINATORY MEASURE AGAINST THE UNITED STATES AIRLINE OPERATING IN LIBERIA, SINCE THE UNITED STATES AIRLINE WOULD BE DEPRIVED OF THE OPPORTUNITY TO COMPETE ON AN EQUAL BASIS FOR THE SALE OF TRAVEL SERVICES TO THE SEGMENT OF THE PUBLIC AFFECTED BY THE DIRECTIVE. IN THE INTERESTS OF FURTHERING THE FRIENDLY COMMERCIAL RELATIONS EXISTING BETWEEN OUR TWO COUNTRIES, IT IS THEREFORE REQUESTED THAT THE LIBERIAN AUTHORITIES RECONSIDER THE MEASURE REFERRED TO ABOVE. UNQTE. COMPLIMENTARY CLOSE.

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3. EMBASSY ALSO WISHES CONTINUE LOW-KEY DISCUSSIONS WITH OTHER EMBASSIES, WITH AIRLINES, AND WITH MIDDLE LEVEL GOL OFFICIALS ON THIS MATTER.

4. ACTION REQUESTED: EMBASSY WOULD APPRECIATE DEPARTMENT'S APPROVAL TEXT OF REVISED NOTE AND AUTHORIZATION THIS PROPOSED COURSE OF ACTION.

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